



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.8592 of 2014

and

W.M.P. (MD) Nos.12257 & 12258 of 2017

P.Parvathy

... Petitioner

Vs.

1. The Assistant Divisional Engineer,
(Highways)
Construction and Maintenance,
Batlagundu,
Dindigul District.

2. The Assistant Engineer,
(Highways)
Construction and Maintenance,
Kodai Road,
Dindigul Distirct.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents herein from interfering with the petitioner's peaceful possession and enjoyment of the house property in Door No.10-1-10A/3A, situated at S.No.336/2 in Maniyakaranpatti Village, Nilakkottai Taluk, Dindigul District without following due process of law.

For Petitioner	: Mr.K.Gokul
For Respondents	: Mr.T.S.Mohammed Mohideen Additional Government Pleader

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The writ petitioner seeks a direction for forbearing the respondents from interfering with her peaceful possession and enjoyment of the house property in Door No.10-1-10A/3A situated at S.No.336/2 in Maniyakaranpatti Village, Nilakkottai Taluk, Dindigul



District without following due process of law.

2. The writ petitioner is in possession of the property in question. She has enclosed voter I.D card, Ration Card, House Tax Receipt, E.B. Bill etc. However, the petitioner failed to challenge the order dated 04.04.2014 issued by the first respondent herein. This Court went through the said notice. Though it is styled as a notice, it is peremptory in nature and calls upon the writ petitioner to remove the encroachment in question. But it is not preceded by any prior show cause notice. Therefore on the ground of violation of principles of natural justice, we are inclined to quash the said notice dated 04.04.2014 issued by the first respondent herein. It is however open to the respondents authorities to issue show cause notice to the writ petitioner and take action as per law. With this liberty and observation, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Divisional Engineer,
(Highways)
Construction and Maintenance,
Batlagundu,
Dindigul District.

2. The Assistant Engineer,
(Highways)
Construction and Maintenance,
Kodai Road,
Dindigul District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 73209
+ 1 CC TO Mr.K.GOKUL, ADVOCATE IN SR No. 73121

VSG/RMI

TE/SV-MMS/SAR-II : 10/11/2017 : 2P/5C

W.P. (MD) No. 8592 of 2017 and
W.M.P. (MD) Nos. 12257 & 12258 of 2017
17.08.2017